

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1367 of 1986

WITH

SPECIAL CIVIL APPLICATION No.2643 of 1987

For Approval and Signature:

Hon'ble MR.JUSTICE R.A.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? No
 2. To be referred to the Reporter or not? No
 3. Whether Their Lordships wish to see the fair copy of the judgement? No
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? No
 5. Whether it is to be circulated to the Civil Judge? No
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KANTIBHAI MANGALBHAI PATEL

Versus

STATE OF GUJARAT

Appearance:

MR AD OZA for Petitioners
M/S MG DOSHIT & CO for Respondent No. 1
SERVED for Respondent No. 3

CORAM : MR.JUSTICE R.A.MEHTA

Date of decision: 10/11/97

ORAL JUDGEMENT

1. In both these petitions, the question is whether the petitioners- teachers are "trained" teachers. They are holding the qualification of B.Ed. and they are not holding the qualification of P.T.C. The contention of the respondent authorities is that for primary teachers, the training qualification is P.T.C. (Primary Teaching Certificate) and not B.Ed.

This question is concluded by the judgment of this Court in the case of Satischandra Bhailal Shah Vs. State of Gujarat, 1984(1) GLR 625. In that case, it was

noticed that the persons who teach Primary Teaching Certificate trainees are required to have the qualification of B.Ed. The persons with B.Ed. qualification are qualified to teach primary school students and, therefore, it was held that the persons holding B.Ed. degree are qualified to teach Primary Teaching Certificate (PTC) Trainees.

The distinction of cut off date of January 1976 was also held to be arbitrary and illegal. It was contended by the Government that the teachers who had passed B.Ed. examination prior to January 1976 were exempted from passing Primary Teachers Certificate Examination. It was also held to be illegal and it was held that a graduate with B.Ed. degree is equivalent to if not more than a primary teacher holding Primary Teaching Certificate and a teacher who has passed B.Ed. degree subsequent to January 1976 cannot be said to be untrained and unqualified. This judgment has been followed in Special Civil Application No. 2903 of 1988 decided on 6th February 1996 by Justice N.N.Mathur.

2. In the result, both these petitions succeed and it is declared that the petitioners -B.Ed. teachers are qualified and "trained" teachers and are to be treated and paid accordingly. Both these petitions are allowed and rule is made absolute accordingly with costs quantified at Rs. 1000/- in each petition.

mhs/-